

Docket 83564KNM
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of
Inventor(s):

Fredlund, et al.

TITLE: A PORTABLE
SYSTEM FOR CAPTURING
IMAGES AND INFORMATION

Serial No.: 10/020,802
Filed: December 7, 2001

Group Art Unit: 2625
Examiner:
Heather D. Gibbs

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37

This is an appeal pursuant to 35 U.S.C. §134 from the Examiner's decision rejecting pending claims 3, 4, 7, 8, 10, 12, 22-25, 27, and 28 as set forth in the final Office Action mailed November 15, 2006, and the Advisory Action mailed February 20, 2007.

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APPELLANTS' BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims that was set forth in the Office Action mailed November 15, 2006, and the Advisory Action mailed February 20, 2007.

A timely Notice of Appeal with a request for a one month extension of time was filed March 13, 2007.

Real Party in Interest

The real party in interest is Eastman Kodak Company, assignee of the entire interest of each and every inventor.

Related Appeals and Interferences

No appeals or interferences are known which will directly affect, be directly affected by, or have bearing on the Board's decision in the pending appeal.

Status of the Claims

Appellants submit, contrary to the Examiner's assertion, claims 3, 4, 7, 8, 10, 12, 17, and 22-28 are pending, the Amendment After Final Rejection filed January 8, 2007, having been entered upon filing of the Appeal pursuant to the Advisory Action of February 20, 2007. Claims 1, 2, 5, 6, 9, 11-16, 18-21, 29, and 30 were cancelled during prosecution. Claims 17 and 26 are allowed. Remaining claims 3, 4, 7, 8, 10, 12, 22-25, 27, and 28 are pending, stand finally rejected, and are the subject of this appeal. The Appendix provides a clean, double-spaced copy of claims 3, 4, 7, 8, 10, 12, 22-25, 27, and 28 on appeal.

Status of Amendments

In the Advisory Action mailed February 20, 2007, the Examiner indicated that the amendments filed after final would be entered for purposes of Appeal, and

that the rejections of the claims as set forth in the final Office Action of November 15, 2006, would remain in effect.

Summary of Claimed Subject Matter

All of independent claims 3, 4, 7, 8, 10, 27, and 28 subject to appeal include the following features:

a portable imaging system transportable by a user as described at least at page 6, lines 19-28, and shown as 10 in Figures 1-4, used for scanning an image for later production of an image product as described at least at page 7, line 21, through page 8, line 8, comprising:

(a) a first and second member movable between an open and closed position as described at least at page 7, lines 4-11, and shown in Figures 1-3 as parts 12 and 14;

(b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image, described at least at page 7, lines 7-11, and shown as part 22 in Figures 1-3;

(c) a memory for storing the digital image as described at least at page 7, lines 7-15, and 19-20; and

(d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image, as described at least at page 8, lines 1-6, and shown as part 30 in Figures 1 and 4.

Claim 3 additionally requires an image input device having an opening for receiving a removable digital image media to enable digital image input at said opening from said digital image media to the memory of the portable imaging system as described at least at page 8, lines 17-24, and shown as part 32 in Figures 1 and 4. Claim 4 additionally requires an input device adapted to collect

information associated with the digital image, and wherein the input device is a keyboard or a touchscreen display, as described at least at page 6, line 30, through page 7, line 3, and shown as part 16 in figures 1-4. Claim 7 additionally requires a display disposed in either the first or second member for displaying the digital image as described at least at page 6, line 30, through page 7, line 3, and shown as part 16 in figures 1-4, and for displaying an advertisement information when the system is in the open position, as described at least at page 10, lines 16-18. Claim 8 additionally requires a software for tracking information associated with the digital image, wherein the information is an image name or a scanning date, as described at least at page 10, lines 21-23. Claim 10 additionally requires an audio input device for receiving audio information relating to the scanned digital image, as described at least at page 10, lines 10-15. Claim 27 additionally requires a video input device for receiving one or more video clip relating to the digital image, as described at least at page 8, line 28, through page 9, line 2. Claim 28 additionally requires a modification input for zooming, cropping, or rotating the digital image before or after storage in memory, as described at least at page 7, lines 24-29.

Issues for Review by the Board

The issues for review by the Board of Patent Appeals and Interferences are as follows:

1. claims 4, 23, 27, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Han, US 6,608,707;
2. claims 3 and 22 are rejected under 35 U.S.C. 103(a) over Han '707 in view of Os, US 6,480,304;
3. claim 7 is rejected under 35 U.S.C. 103(a) over Han '707 in view of Brennan, US 5,070,966;
4. claims 8 and 25 are rejected under 35 U.S.C. 103(a) over Han '707 in view of Irons, US 6,192,165; and
5. claims 10 and 12 are rejected under 35 U.S.C. 103(a) over Han '707 in view of Yamauchi et al., US 6,020,982.

Arguments

I. Claims 4, 23, 27, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Han, US 6,608,707.

A. Claims 4 and 23

Han does not teach, disclose, or suggest the subject matter of Claims 4 or 23, dependent from claim 4. Claims 4 and 23 require an input device adapted to collect information associated with the digital image, and wherein the input device is a keyboard or a touchscreen display, as described at least at page 6, line 30, through page 7, line 3, and shown as part 16 in figures 1-4.

The Examiner points to col. 2, line 30 - col. 3, line 26, of Han as teaching touch panel buttons “that function to scan, copy, print, and fax the input image into the input device,” as recited in the Advisory Action and page 2 of the final Office Action. By lack of argument, it is inherently admitted by the Examiner that Han does not teach or disclose a touchscreen display.

Col. 2, line 30 - col. 3, line 26, of Han are the Brief Description of the Drawings of Figs. 2-25, and a portion of the first paragraph of the Description of the Preferred Embodiments referring to stand alone, computer peripheral scanners. There is no reference to a keyboard in the text. Certain Figures do show, and there is text in Han describing, use of touch panel buttons as described by the Examiner to “scan, copy, print, and fax the input image into the input device.” However, claims 4 and 23 explicitly require the keyboard or touchscreen display “collect information associated with the digital image,” which the touch panel buttons of Han are not disclosed or suggested as being capable of doing. There is no teaching or suggestion in Han that the touch panel buttons can be used to gather information. Only use of the touch panel buttons to enter commands is taught or disclosed by Han.

There is no teaching or disclosure in Han of an input device adapted to **collect information** associated with the digital image, wherein the input device is a keyboard or a touchscreen display, as set forth in claim 4 and claim 23 dependent therefrom. The required feature not being taught, withdrawal of the rejection is in order.

B. Claim 27

Han does not teach, disclose, or suggest the subject matter of claim 27. The imaging system of claim 27 includes a video input device for receiving one or more video clip relating to a digital image scanned into the system. As indicated at page 8, line 28, - page 9, line 2, of the specification, the input port receives video into the imaging system.

The Examiner cites col. 10, lines 26-32, at page 3 of the final Office Action and in the Advisory Action as teaching “the purpose of the VGA monitor is to display images from the described embodiment.” Han states at col. 10, lines 26-32:

Also, the scanner 300 is configured and adapted to *display directly to* a VGA monitor using conventional firmware and, also, is *configured to output for display on* a TV screen. ... (Emphasis added.)

Again, claim 27 requires the imaging system include “a video input device for *receiving* one or more video clip relating to the digital image.” Han does not disclose or suggest *receipt* of a video image, only output. Thus, there is no teaching or disclosure in Han of all claimed features of claim 27.

C. Claim 28

Han does not teach, disclose, or suggest the subject matter of claim 28. The imaging system of claim 28 includes a modification input for manipulating the image by zooming, cropping, or rotating before storage in memory. The Examiner cites col. 11, lines 42-48, and col. 12, lines 19-27 at pages 3-4 of the final Office Action and in the Advisory Action as teaching “an 8-button navigational control panel 406 that is and can be used as the modification input.”

As described previously, Han discloses at col. 11, lines 44-48, that the LCD display can include an 8-button navigational control panel. This portion of Han teaches the functionality of the stated control panel as “navigational.” There is no indication the control panel is useful for manipulating the image as required by claim 28. One skilled in the art would understand a “navigational” panel to allow a user to work through menus and functions of the device including the navigational panel.

The Examiner further cites col. 12, lines 19-27 as a place that “teaches wherein the navigational button is used for cropping” (Advisory Action and Final Office Action). Col. 12, lines 19-27, of Han read as follows:

With the optional, conventional transparent media adapter, the sixth preferred embodiment is available for scanning film positives or negatives as large as 9.5"×11.5". Images may also be sent via e-mail over the network by use of a conventional, PC compatible keyboard. This scanner also features a conventional auto Crop function which determines the location of the original to be scanned on the bed and then Crops right to its edges. The 5-inch diagonal LCD display measures 4"×3".

The described scanner *auto-crops* the image to the size of the original placed on the scanner flatbed, eliminating unnecessary white area around the image corresponding to the full scanner flatbed size. Han does not disclose or suggest “a *modification input* for zooming, cropping, or rotating the digital image before or after storage in memory” as required by claim 28 of Appellants’ application because Han teaches only auto-crop, which requires no modification input.

A review of Han discloses an 8-button navigational control panel, and an auto-crop feature. There is no teaching or disclosure of a modification input for zooming, cropping, or rotating images as required by Appellants’ claim 28. Thus, there is no teaching or disclosure in Han of all claimed features of claim 28.

D. Conclusion

For at least the above reasons, Han does not teach, disclose, or suggest the subject matter of any of claims 4, 23, 27, or 28. Reconsideration and withdrawal of the rejections with regard to each of claims 4, 23, 27, and 28 are respectfully requested.

2. Rejections under 35 U.S.C. 103(a)

In order to establish a *prima facie* case of obviousness, the Patent Office must show each of the following: 1) the prior art reference or combination of references must teach or suggest all the limitations of the claims (*In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q 494, 496 (C.C.P.A. 1970)); 2) the prior art

relied upon must contain some suggestion or motivation for the skilled artisan to modify a reference or combine references (*In re Fine*, 837 F.2d, 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988)); and 3) the proposed modification of the prior art must have had a reasonable expectation of success as determined from the viewpoint of a skilled artisan at the time of the invention, without use of hindsight (*Amgen, Inc. v. Chugai Pharm. Co.*, 927 F.2d 1200, 1209, 18 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1991)). Teachings and suggestions must come from the prior art, and can not be taken from Appellants' disclosure (*In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991)).

A. Claims 3 and 22 are rejected under 35 U.S.C. 103(a)
over Han '707 in view of Os, US 6,480,304.

Claim 3, and claim 22 dependent therefrom, require an image input device having an opening for receiving a removable digital image media to enable digital image input at said opening from said digital image media to the memory of the portable imaging system as described at least at page 8, lines 17-24, and shown as part 32 in Figures 1 and 4.

The Examiner admits at page 7 of the Office Action that Han does not disclose or suggest "an image input device having an opening for receiving a removable digital image media to enable digital image input from said digital image media to the memory of the portable imaging system." The Examiner cites Os, col. 10, lines 10-16, as disclosing "storing images from a portable media to a portable scanning device." While this section of Os does disclose the use of removable storage media with the scanning system of Os, the paragraph continues after the cited section to describe that the information uploaded from the media at col. 10, lines 14-19, is "the scanner software described above," which software is operational software, that is, the computer program that actually controls the operation of the scanner, and can be inserted into a computer system to control the scanner. In full, the paragraph from col. 10, lines 10-28, reads as follows:

In one embodiment, the memory 153 includes system memory 166, non-volatile mass storage 167 and removable storage media 168. The removable storage media may be,

for example, a compact disk-read only memory (CDROM), floppy disk or other removable storage device. *The scanner software described above, including the application database 31 of FIG. 3, may be stored on a removable storage media that can be read by the computer system 150 and used to operate the scanner 12 in accordance with embodiments described herein.* The non-volatile mass storage 167 may be a device for storing information on any number of non-volatile storage media, including magnetic tape, magnetic disk, optical disk, electrically erasable programmable read only memory (EEPROM), or any other computer-readable media. Scanner software in the form of data and program code for controlling the operation of the scanner 12 may be transferred from the removable storage device 168 to the non-volatile mass storage 167 under control of an installation program as described above. (Emphasis added.)

As seen from the above paragraph, when read in context, removable storage media is used in Os to transfer scanner software to the removable storage device. There is no teaching, disclosure, or suggestion that the removable storage media of Os can be used to enable digital image input from the removable storage media to the memory of the removable storage device, as claimed by Appellants.

As an alternative argument that Os teaches enabling digital image input from digital image media to the memory of the portable imaging system, the Examiner states at page 2 of the Office Action and in the Advisory Action with regard to Os that:

Col 5 Lines 47-58 teaches scanner software which determines if a document is present on the scan surface and generates raw scan data which is converted to a format supported by the target application and saved in a file format and mass storage location.

Lines 54-58 of column 5 read as follows:

At block 63, the raw scan data is converted to a format supported by the target application program and is saved in a file format and mass storage location associated with the identified application program.

When read as a whole, Os discloses uploading a scanning program to the non-volatile mass storage, which program, when run from the non-volatile mass

storage of a computer system, can generate raw scan data and save such data in an appropriate format in the mass storage location. There is no teaching, disclosure, or suggestion of uploading *images* from the removable media including the scanner software. Os teaches that the function of the removable storage media is enabling any computer to drive the scanner.

In contrast, Claim 3, and claim 22 dependent therefrom, require:

... an image input device having an opening for receiving a removable digital image media to enable digital image input at said opening from said digital image media to the memory of the portable imaging system.

Neither Han nor Os disclose or suggest a device capable of receiving digital image media for *input* of digital images from the media to the memory of the portable imaging system.

If combined with Han, the teaching of Os would provide one skilled in the art a means of enabling an interoperable computer system to run the scanning device of Han. Taken alone or in any combination, there is no teaching, disclosure or suggestion in Han, Os, or the combination thereof of an image input device having an opening for receiving a removable digital image media to enable digital image input at said opening from said digital image media to the memory of the portable imaging system, as set forth in claim 3 and claim 22 dependent therefrom. A *prima facie* case of obviousness not having been made, withdrawal of the rejection is in order.

**B. Claim 7 is rejected under 35 U.S.C. 103(a) over
Han '707 in view of Brennan, US 5,070,966.**

Claim 7 requires a display disposed in either the first or second member of the portable imaging system for displaying a digital image when the system is in the open position as described at least at page 6, line 30, through page 7, line 3, and shown as part 16 in figures 1-4, and for displaying advertisement information when the system is in the open position, as described at least at page 10, lines 16-18.

At page 8 of the Office Action, the Examiner admits Han does not:

disclose expressly a display disposed in either the first or second member for displaying the digital image and for displaying advertisement information when the system is in the open position.

Brennan is cited for teaching “a scanner with a flat open for displaying of advertising or other information” at col. 2, lines 10-16. The Examiner argues Han and Brennan are combinable because they are “from the same field of endeavor, scanners” (page 9, final Office Action), and in particular because “both devices are capable of reading images and like a flatbed scanner, it [barcode scanner] generally consist [sic] of a light source, a lens and photo conductor translating optical impulses into electrical ones” as stated at page 3 of the final Office Action and in the Advisory Action.

Brennan is directed to a checkout countertop scanner for use in scanning barcodes on purchased goods, wherein a sheet covers the scanner opening and includes advertising copy or other visual indicia. *See abstract.*

While Appellants admit the physical parts that enable scanning in both a barcode scanner and a document scanner are similar, that is not enough to combine the fields of art represented by Han and Brennan in the instant case. A barcode scanner does not require a memory capable of storing *image* data, and is not typically connected via a communications network to a device for later production of *a scanned image* as a document. Barcode scanners are used to identify and track goods, and the barcode read off an item is typically not printed or otherwise displayed as a bar code, but translated by a look-up table to a price for the scanned item. Thus, combination of the barcode scanner of Brennan and the document scanner of Han in view of Appellants’ claimed invention is inappropriate.

Even if Han was combined with Brennan, the result would be advertisement material on a protective cover of Han, for example, the housing including the scanner. Brennan does not teach a *display* in a scanner, wherein the display shows advertisement information. Brennan teaches a barcode scanner having a protective clear cover over the scanning optical array where *the cover over the scanner mechanism* includes advertisement information. There is no

motivation or suggestion in either reference to move the static advertisement display from the protective cover of the scanner array to an active display embedded in the scanner device. Appellants note adding advertisement information to an active display as claimed would require programming of the display, which is not a simple feat.

There is no teaching, disclosure, or suggestion in either Han or Brennan, taken alone or in any combination, to include advertising information in a display that is part of a scanning system. A *prima facie* case of obviousness not having been made, withdrawal of the rejection is in order.

**C. Claims 8 and 25 are rejected under 35 U.S.C. 103(a) over
Han '707 in view of Irons, US 6,192,165**

Claim 8 and claim 25 dependent therefrom are directed to a portable imaging system having software for tracking information associated with the digital image, wherein the information is an image name or scanning date. As described in the specification at least at page 10, lines 21-23, the image name is a name used to reference the image, for example, “grandmajeau” if the image is of Grandma Jean as opposed to Grandma Kate.

The Examiner admits at page 9 of the final Office Action that Han does not disclose or suggest software for tracking information associated with the digital image. Page 10 of the final Office Action cites Ions for such teaching at col. 15, lines 36-53, and in the Advisory Action cites col. 12, lines 6-17 of Irons as teaching “software as applicant claims, which used the docket number/file image file name.”

Irons cannot be combined with Han because such a combination is expressly taught against in Irons. Irons teaches isolating the scanning operation from indexing and storing of the information at col. 15, lines 27-34. In particular, Irons continues at col. 15, lines 34-36, to state:

A user can index and apply a label 400 to documents in a batch, then transport the batch of indexed documents to a third party scanning service provider.

The advantages cited by Irons are implementing digital filing with reduced costs by outsourcing scanning to a dedicated third party scanning operation, as taught at col. 15, lines 49-53. Thus, Irons specifically teaches separating scanning functions from indexing and storage functions, and therefore teaches away from any combination with Hans because such a combination would defeat the purpose of Irons.

Even if Irons were combinable with Hans, which it is not for at least the above reasons, Irons still does not teach, disclose, or suggest a software for tracking an associated image name or scanning date as described by Appellants. As disclosed at col. 15, lines 36-46, cited by the Examiner:

The service provider scans the previously indexed documents and stores digital images of the documents onto a recordable, transportable media (i.e., CD-ROM, DVD, etc). The third party scanning service provider's software is an extension of digital filing application 227 and will, therefore, be capable of naming the digital images according to the name stored in each document's bar code portion 420. When the transportable media is re-introduced to system 100 a[sic] the user's location, image index database 228 can locate the scanned images by using the document number, which is now the image file name.

As described, the image name is a document number already assigned by the indexer of the documents, and recorded by bar code on each image. It is a bar code number assigned to the document that is recorded as a "name" for the scanned document, not a personalized image name or scanning date.

Col. 12, lines 6-17 of Irons, cited by the Examiner, describes use of a document counter field to track what label is associated with which document, for example, "0021" is associated with the 21st document scanned on a particular day by a particular user. Creation of an image storage file name is done by appending a file name extension "to the number shown in FIG. 6," as described in col. 12, lines 6-10. FIG. 6 is described at col. 11, line 60, through col. 12, line 5, as a label with field components including a software serial number field 610 identifying a specific customer, a security field 620, and indexing date field 630 containing a representation of the date of the indexing session, and a UserID field

640 indicating the user that actually indexed the document. It is further indicated at col. 12, lines 6-17, that other fields may be added to this file name.

Col. 12, lines 6-17 of Irons, does not disclose or suggest tracking an image name or scanning date. As clearly described in the entire paragraph of Irons from col. 11, line 60, through col. 12, line 17, Irons tracks information associated with the *indexing date* of the document, the person who *indexed* the document, and to which document *of the indexing session* on a particular date the document corresponds. Nothing regarding the scanning date, or an image name as described in Appellants' specification is tracked.

For at least the above reasons, the combination of Irons with Han is improper, and, even if it were proper, does not disclose or suggest the claimed invention. A *prima facie* case of obviousness not having been made, withdrawal of the rejection is in order.

D. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) over Han '707 in view of Yamauchi et al., US 6,020,982.

Claim 10 and claim 12 dependent therefrom require an audio input device for receiving audio information relating to the scanned digital image, as described at least at page 10, lines 10-15, or the specification.

The Examiner admits at page 11 of the final Office Action that Han does not disclose or suggest an audio input device for receiving audio information relating to the digital image. Yamauchi is cited for such teaching at col. 8, lines 54-58 (final Office Action, page 11), and col. 42, lines 1-11 (Advisory Action). The Examiner argues in the Advisory Action that the combination of Han and Yamauchi is appropriate because "both devices are reasonable alternatives to image processing as is well known in the art."

Appellants submit there is no motivation to combine a digital camera as taught with Yamauchi with a scanner device as taught by Han. Both teach an imaging system, but Yamauchi captures live data, and Han scans and records prerecorded information from different media. While both are "alternatives to image processing" as stated by the Examiner, it is not true that alternatives to a single method are themselves equivalent, combinable, or even complementary.

The devices described in the applied references, a camera and a scanner, have vastly different purposes, and have no overlap in purpose. One skilled in the art of scanners would not look to a digital camera for information in design or function, and a digital camera designer would not look to a scanner for information in design or function. Combination of these references is improper.

Even if combination were not improper, which Appellants argue it is, Yamauchi does not teach, disclose, or suggest an audio input device for receiving audio information relating to a *scanned* digital image. As set forth at page 10, lines 10-15, of Appellants' specification, the audio information claimed by Appellants is narration, identification of subject matter, musical scoring, or staged re-creation of the imaged event recorded *after* scanning of the image.

In contrast, Yamauchi is directed to an electronic still camera capable of recording live digital images. Col. 8, lines 54-58 indicate that digital voice data can be stored in memory of the camera, as well as accompanying digital image data. A reading of the entire reference shows that the voice data is recorded *simultaneous* to the taking of the digital image, for example, see col. 13, lines 29-36, which state:

... At "REC" position, it is the record mode and the electronic still camera 11 is ready to write image and voice data into the memory card 400 and filing device 500, and at "PLAY" position, it is the reproduction mode and the electronic still camera 11 reproduces the image and voice data recorded in the memory card 400 and filing device 500 by means of a small liquid crystal monitor 301 or built-in speaker o f the reproduction unit 300.

Col. 42, lines 1-11, describes various equipment that can be used to enjoy playback of recorded sound with the image. Read in its entirety, Yamauchi does not disclose or suggest recording sound after an image is recorded, as claimed by Appellants. Thus, Yamauchi does not disclose or suggest every feature of the claimed invention, alone or in combination with Han.

For at least the above reasons, the combination of Han and Yamauchi is improper, and, even if it were proper, does not disclose or suggest the claimed

invention. A *prima facie* case of obviousness not having been made, withdrawal of the rejection is in order.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejections of the Examiner and mandate the allowance of all pending claims.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Appendix - Claims on Appeal

3. (previously presented) A portable imaging system transportable by a user for scanning an image for later production of an image product, comprising:
- (a) a first and second member movable between an open and closed position;
- (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image;
- (c) a memory for storing the digital image;
- (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and
- an image input device having an opening for receiving a removable digital image media to enable digital image input at said opening from said digital image media to the memory of the portable imaging system.

4. (previously presented) A portable imaging system transportable by a user for scanning an image for later production of an image product, comprising:

- (a) a first and second member movable between an open and closed position;

(b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image;

(c) a memory for storing the digital image;

(d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and

an input device adapted to collect information associated with the digital image, and wherein the input device is a keyboard or a touchscreen display.

7. (previously presented) A portable imaging system transportable by a user for scanning an image for later production of an image product, comprising:

(a) a first and second member movable between an open and closed position;

(b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image;

(c) a memory for storing the digital image;

(d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and

display disposed in either the first or second member for displaying the digital image and for displaying an advertisement information when the system is in the open position.

8. (previously presented) A portable imaging system transportable by a user for scanning an image for later production of an image product, comprising:

(a) a first and second member movable between an open and closed position;

(b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image;

(c) a memory for storing the digital image;

(d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and

a software for tracking information associated with the digital image, wherein the information is an image name or a scanning date.

10. (currently amended) A portable imaging system transportable by a user for scanning an image for later production of an image product, comprising:

(a) a first and second member movable between an open and closed position;

(b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image;

(c) a memory for storing the digital image;

(d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and

an audio input device for receiving audio information relating to the scanned digital image.

12. (previously presented) The portable imaging system of Claim 10, further comprising a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost.

22. (previously presented) The portable imaging system of Claim 3, further comprising a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost.

23. (previously presented) The portable imaging system of Claim 4, further comprising a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost.

24. (previously presented) The portable imaging system of Claim 7, further comprising a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost.

25. (previously presented) The portable imaging system of Claim 8, further comprising a second, redundant, memory to provide backup storage of the digital image to ensure the digital image is not lost.

27. (previously presented) A portable imaging system transportable by a user for scanning an image for later production of an image product, comprising:

- (a) a first and second member movable between an open and closed position;
- (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image;
- (c) a memory for storing the digital image;
- (d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and
 - a video input device for receiving one or more video clip relating to the digital image.

28. (previously presented) A portable imaging system transportable by a user for scanning an image for later production of an image product, comprising:

(a) a first and second member movable between an open and closed position;

(b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image;

(c) a memory for storing the digital image;

(d) a communication port adapted to transmit the digital image from the portable imaging system over a communications network to a device for later production of the image product from the digital image; and

a modification input for zooming, cropping, or rotating the digital image before or after storage in memory.

Appendix - Evidence

None

Appendix – Related Proceedings

None